

EXHIBIT F

In The Matter Of:
RUTH V. BRIGGS v.
TEMPLE UNIVERSITY

SANDRA A. FOEHL
June 30, 2017

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SANDRA A. FOEHL

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1 APPEARANCES:

2 RAHUL MUNSHI, ESQUIRE
3 Console Mattiacci Law, LLC
4 1525 Locust Street, Ninth Floor
5 Philadelphia Pennsylvania 19102

6 Counsel for the Plaintiff

7 RACHEL FENDELL SATINSKY, ESQUIRE
8 Littler Mendelson, P.C.
9 Three Parkway
10 1601 Cherry Street, Suite 1400
11 Philadelphia, Pennsylvania 19102

12 Counsel for the Defendant

13 - - -

14 SANDRA A. FOEHL,
15 3443 West Penn Street, Philadelphia,
16 Pennsylvania, having been duly sworn,
17 was examined and testified as follows:

18 BY MR. MUNSHI:

19 Q. Good afternoon, Miss Foehl.

20 A. Hello.

21 Q. We just met, but my name is Rahul
22 Munshi. I'm an attorney here at Console
23 Mattiacci Law, and I have the privilege of
24 representing Ruth Briggs in this action against
Temple University. You are here today for your
deposition.

Do you understand that?

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1 Q. Have you ever worked in human resources
2 before?

3 A. No.

4 Q. When did you start working at Temple?

5 A. 1973.

6 Q. What position did you hold back then?

7 A. I think it was titled affirmative action
8 specialist in the office of affirmative action
9 plans and programs.

10 Q. Are you an attorney?

11 A. No.

12 Q. Have you taken any courses on the law?

13 A. Does sitting in a course count? I don't
14 think so. No.

15 Q. Do you have any legal education
16 background, I should ask?

17 A. No.

18 Q. What are your general job duties and
19 responsibilities as the director of EOC?

20 A. As the name of the office suggests, EOC
21 is responsible for university compliance with
22 federal, state, and municipal civil rights laws.
23 So we do report filing for the university.
24 We're responsible for the university's

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1 affirmative action program plan. And we do
2 complaint investigations for the university.
3 That is unlawful discrimination complaint
4 investigations.

5 Q. Employment discrimination or all types
6 of discrimination?

7 A. All types. That is, we respond to
8 student complaints, staff, faculty, and visitors
9 to the university.

10 Q. The civil rights laws that you
11 mentioned, do they include Title VII of the
12 Civil Rights Act?

13 A. Yes.

14 Q. And the Age Discrimination in Employment
15 Act?

16 A. Yes.

17 Q. You said investigating discrimination
18 claims. Do you also investigate retaliation
19 claims?

20 A. Yes.

21 Q. Do you also investigate claims of
22 hostile work environment?

23 A. If they allege a violation of the civil
24 rights laws.

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1 complaints.

2 MR. MUNSHI: Let's have this marked
3 as P-32, please.

4 (P-32 was marked for
5 identification.)

6 BY MR. MUNSHI:

7 Q. Miss Foehl, in front of you is a
8 three-page document. The top of the first page
9 says "7-30-2012," and then the top of the second
10 page says "two," and then the top of the third
11 page says "8-3-2012."

12 Do you see that?

13 A. Uh-huh.

14 Q. Just verbalize for the transcript,
15 please.

16 A. Yes. I see that.

17 Q. Everyone does it. That is okay.

18 Are these your notes?

19 A. Yes, they are.

20 Q. These are your handwritten notes?

21 A. Yes.

22 Q. Did you take them while you were meeting
23 with Ruth Briggs?

24 MS. SATINSKY: The first two pages

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1 are you focused on?

2 MR. MUNSHI: Yes. The 7-30-2012.

3 THE WITNESS: I usually work up my
4 notes immediately following a conversation.

5 BY MR. MUNSHI:

6 Q. Did you then type up these notes?

7 A. I don't type them up.

8 Q. Did you share your notes with anybody
9 around this time?

10 A. No.

11 Q. Approximately how long was your meeting
12 with Ruth Briggs on 7-30-2012?

13 A. I don't really remember.

14 Q. On the first page under "problems," it
15 says here, "Dr. Wu yells and says demeaning
16 things, e.g., 'Are you stupid?'"

17 Do you see that?

18 A. Yes, I see that.

19 Q. That is information that Ruth Briggs
20 gave to you?

21 A. That's Ruth's report to me about Dr. Wu.

22 Q. Did she give you any other examples of
23 demeaning things?

24 A. No.

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1 A. This is the initial meeting, so if I
2 noted something new, and that may be where the
3 issue of discipline was, that would have been in
4 the April notes. So I would have drawn on the
5 April notes for my conversation with Dr. Wu.

6 Q. Do you recall how he responded to you
7 when you asked him about the remark that
8 Miss Briggs relayed to you?

9 A. Not without reference to my notes, I
10 don't.

11 Q. Do you recall if he denied saying it?

12 A. My best recollection is that he said he
13 regularly discussed cultural differences and
14 language differences with the staff,
15 Miss Briggs, other members of the office staff.
16 And that that was a general conversation.

17 Q. And at this meeting that you are talking
18 about with Dr. Wu, did you also explain to him
19 that you are conducting an investigation?

20 A. That would have been the way I
21 introduced myself.

22 Q. And did you inform him that you are
23 conducting an investigation because Ruth Briggs
24 raised complaints?

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1 evaluations. But that would have been why I
2 called or reached out to Eric Brunner.

3 Q. And your subsequent conversation with
4 Miss Walton, did you talk about anything else
5 besides salary?

6 A. I don't think so. Salary is what I
7 remember discussing, that would be true.

8 Q. Did you ask her about the comments that
9 Dr. Wu said about China and women?

10 A. I don't think so. That would have been
11 an issue for my office if that was -- if it was
12 a matter for investigating, it would have been
13 my office, not human resources.

14 Q. Did you have an understanding as to
15 whether or not Miss Walton already knew about
16 that allegation?

17 A. No recollection that she did.

18 Q. Did you ever discuss that allegation
19 with Miss Walton?

20 A. I don't remember doing that.

21 Q. Why didn't you ask Dr. Wu at that time
22 if he said that comment?

23 A. I'm sorry.

24 Q. At that time that you learned about the

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1 comment from Ruth Briggs, why didn't you reach
2 out to Dr. Wu and say, "Did you say this?"

3 MS. SATINSKY: Objection to form.

4 THE WITNESS: If I'm keeping the
5 timeline straight in my own head, she sent this
6 July 30th, but she did not say, "I want you to
7 investigate."

8 BY MR. MUNSHI:

9 Q. This is a document that had been
10 previously marked as P-8. It doesn't have a
11 sticker on it, so the same thing we did before,
12 if we could just throw a P-8 on there.

13 Before we get there, in your
14 conversation with Miss Walton, did she inform
15 you that she had been in contact with Ruth
16 Briggs about any workplace issues?

17 A. My best recollection is Ruth had
18 discussed her concern about salary with Deirdre.
19 That's all I recall hearing they discussed.

20 Q. Ruth, when she was having her
21 conversation with you about salary, was she
22 blaming that on Dr. Wu specifically or anybody
23 in particular?

24 A. I don't remember that she was laying it

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1 at any particular individual's door.

2 Q. But certainly within your meeting on
3 July 30th, putting aside allegations about
4 salary, you did understand that Miss Briggs was
5 raising a concern or a complaint with you
6 specifically about Dr. Wu; right?

7 A. Yes.

8 Q. And then did you ever ask Miss Walton if
9 she also had communications with Ruth Briggs
10 about Dr. Wu specifically?

11 A. I don't recall doing that.

12 Q. Do you recall asking Miss Walton if she
13 had any communications with Greg Wacker about
14 the relationship between Miss Briggs and Dr. Wu?

15 A. You're asking about Deirdre's
16 conversation with Greg?

17 Q. Current.

18 A. Did they have any?

19 I don't remember asking.

20 Q. Well, did you have an understanding that
21 those conversations were happening?

22 A. I don't remember Deirdre saying yes, I
23 have been talking to Greg Wacker. I don't
24 remember if she did that.

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1 was another side to the story in February of
2 2013?

3 A. Not in February 2013. In April of 2014
4 when Ruth said investigate, I did.

5 Q. So at this point, you only had Ruth's
6 side of the story; right?

7 MS. SATINSKY: Objection to form.

8 THE WITNESS: I had Ruth's several
9 sides of what was going on with Ruth since her
10 story moved in several different directions over
11 time. Which is why I asked her to please put a
12 statement in writing to me, which she never did.
13 BY MR. MUNSHI:

14 Q. Her story that Dr. Wu, her direct
15 supervisor, had made a comment to her about age
16 and women in China, did that ever change?

17 MS. SATINSKY: Objection to form.

18 THE WITNESS: Basically, no.

19 BY MR. MUNSHI:

20 Q. Did she ever come to you and say,
21 "Actually, Sandy, I made it up"?

22 MS. SATINSKY: Objection to form.

23 THE WITNESS: Ruth never withdrew
24 that remark that she attributed to Dr. Wu.

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1 A. Yes.

2 Q. And then Deirdre sends this to you and
3 says, "FYI and for discussion."

4 Did you have a discussion with
5 Deirdre about this?

6 A. I don't remember discussing these with
7 Deirdre.

8 Q. At any point did Deirdre inform you that
9 she was looking into Ruth's complaints?

10 A. The only conversation I remember with
11 Deirdre about Ruth's complaints was a salary
12 issue and how she would go about raising that.
13 So that's the only one I remember having a
14 conversation.

15 Q. And that was back in 2012, the salary
16 issue?

17 A. Yes, I think so.

18 Q. Did Deirdre ever inform you that she was
19 having Greg Wacker or Drew DiMeo look into any
20 concerns or complaints by Ruth Briggs?

21 A. I don't remember that she did.

22 Q. Did she ever inform you that she was
23 speaking with Dr. Wu about Ruth Briggs'
24 complaints or concerns?

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1 A. No.

2 Q. Did she ever inform you that Greg Wacker
3 and Drew DiMeo were speaking with Dr. Wu and
4 then reporting back to her about Ruth's
5 complaints?

6 A. No.

7 Q. And then you met with Ruth Briggs in
8 April of 2014; correct?

9 A. Yes.

10 MR. MUNSHI: Let's have this marked
11 as P-36.

12 (P-36 was marked for
13 identification.)

14 THE WITNESS: (Pause.)

15 Okay.

16 BY MR. MUNSHI:

17 Q. P-36, are these your handwritten notes?

18 A. They are.

19 Q. Are these your notes from your meeting
20 with Ruth Briggs on April 1st, 2014?

21 A. Yes.

22 Q. Under the heading which says "Mtg with
23 Ruth Briggs," it appears the word right
24 underneath it is "age."

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1 Do you see that?

2 A. Yes.

3 Q. Why did you write that?

4 A. This is the meeting at which Ruth said
5 investigate my complaint, and I would have made
6 sure I knew the grounds for the complaint, and
7 she said age.

8 Q. Did you discuss an intake questionnaire
9 that she filed with the EEOC and that point?

10 A. Never reviewed the intake questionnaire
11 with Ruth that I recall.

12 Q. Did you discuss her going to the EEOC
13 during this meeting?

14 A. I don't remember whether she brought it
15 up. I didn't.

16 Q. This meeting took place, obviously,
17 before her employment was terminated; correct?

18 MS. SATINSKY: Objection to form.

19 THE WITNESS: I didn't know about, I
20 don't think Ruth knew about her termination when
21 we met. That came afterward, and I don't even
22 remember exactly when I learned. Maybe she told
23 me that she had been terminated that day.

24 BY MR. MUNSHI:

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1 Q. During this meeting, did Miss Briggs
2 expressly ask you to investigate her complaint?

3 A. That's my recollection, yes.

4 Q. And did she give you any more
5 information as to the basis of her complaint
6 that she wanted you to investigate?

7 MS. SATINSKY: Objection. Asked and
8 answered.

9 You can answer the question.

10 THE WITNESS: We were, our
11 conversation, there was agreement it was an age
12 discrimination complaint. If there was anything
13 new, it might have been some of the specific --
14 this was probably the first time she had
15 introduced Hailey King as a comparator. The
16 only comparator she ever gave me.

17 MR. MUNSHI: Let's have this marked
18 as P-37, please.

19 (P-37 was marked for
20 identification.)

21 THE WITNESS: (Pause.)

22 Okay.

23 BY MR. MUNSHI:

24 Q. Are these your notes from April 4th,

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1 2014, from your meeting with Dr. Wu?

2 A. Yes.

3 Q. Was it during this meeting where you had
4 a conversation with him about whether he made a
5 comment regarding women in China?

6 A. I think so.

7 Q. Is there anything in your notes about
8 that?

9 A. No.

10 Q. Did you ask Dr. Wu if he had ever
11 exhibited any sort of age bias towards Ruth
12 Briggs during this meeting?

13 A. Even though it's not noted here, I did
14 ask him about the comment because what he said
15 to me -- oh, I can't answer that.

16 Q. Well, if it took place during this
17 meeting, then you can tell me what Dr. Wu said
18 to you.

19 A. Yes.

20 MS. SATINSKY: If it took place
21 during this meeting and it didn't concern Dr. Wu
22 relaying information that he told you he learned
23 through counsel, then you can testify about it.

24 THE WITNESS: Okay.

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1 What he said to me about the remark
2 was that he had regular discussions with staff,
3 not Ruth only, but with staff, about cultural
4 difference, China, the United States.
5 Difficulties or differences in languages that
6 created some difficulties.

7 He said his observation about women
8 working in China, not beyond age 55, was an
9 observation made to Ruth and/or others. And
10 that it was not meant to be upsetting to Ruth
11 Briggs.

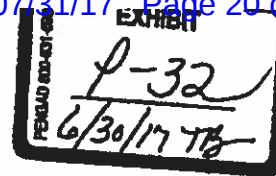
12 BY MR. MUNSHI:

13 Q. Did you ask him if he ever did bully or
14 threaten Ruth Briggs?

15 A. I believe he answered that question. In
16 my notes it said he never had any intention to
17 terminate her employment, and my recollection in
18 going over the materials today is that when she
19 talked to me, the bullying was a charge that she
20 made -- she laid at Greg Wacker's door. The
21 clearest example that she gave with regard to
22 Greg Wacker was what she called bullying of the
23 department secretary, not of herself.

24 Q. When you met with Ruth Briggs on

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Mtg requested by Ruth Briggs

7/30/2012

Mr Briggs has been in the Dept of Computer Information Sciences for the past 3 yrs, since Sept 2009 working with the Dept Cha Dr. Hu. George Palladinos arranged the temporary placement, "on loan" from the Dean's Office. Greg Khacker has history of arrangement.

Problems

Dr. Hu yells and says demeaning things, e.g. "Are you stupid?" to Chinese women you are dumb.

Mr Briggs gives Dr. Hu the benefit of the doubt for his remarks, allowing for cultural differences and difficulty with English.

Write up for maladministration

Dept. Secty Judy Lamson is a 30 yr employee - but not adapt with technology

Dr. Hu's instructions to Mr Briggs: "Don't help her" send her to Dean's Office.

Greg Khacker adds, "I'll discipline you if you help her."

Mr Briggs' position - Of course I'm going to help her.

Dr. Hu gives my work to student workers

e.g. Mary Beth goes to the hotel with Dr. Hu to meet the conference planners

Salary

My salary level is T26 but I am paid at a lower rate than technical T26.

My position is non bargaining unit - no recourse through union.

Current job description - Executive Assistant as in Dean's Office.

I believe I am still paid from Dean's office and center.

Performance evaluation? PDP in 2012 of 1.5, + previous PDPs 2011, 2010 based on undefined various functions and Dr. Hu's comments

(over)

Kennedy? Mr Briggs wants to return to his initial job duties: editing papers, editing web content, supervising - I oversee front office operations. Clear PDP. Functions defined. Salary commensurate with job + years in service. File age discrimination complaint?

I'm scared.

I'd like to get away from Greg Knackes. I feel he's retaliating because of what happened with the Janis Hummel complaint, my testimony as if Greg is thinking "they messed with the wrong person + I'll find a way to take them down."

And I'm taking time in August for which I've requested FMLA (post-operative care of son)

Salary + PDP concerns to HR? Human Resources hasn't been helpful. Ask advice of new Interim Dean Michael Klein? Mr Briggs said she hasn't done so but I may do so on her behalf.

[Signature]

8/3/2012 Phone conversation with Eric Brunner, HR Learning + Development
in re Ruth Briggs

Some performance criticisms were made in previous PDP's

She never had a 3.0 rating

Mr. Brunner's recommendation to Ms. Briggs was to have a conversation
with her supervisor. Clarify with him what he expects in her work.

Mtg with Ruth Briggs
Lige

4/1/2014

no contract coverage

standard for one extraordinary
1/20. written up oversight
for being late. Drew Deneen
Dimeo

called in reached student worker
Carol Ann of Finance

always confrontational with me

coming in late intentionally on days scheduled for mtgs
then failed to call in
failed to follow dept procedure

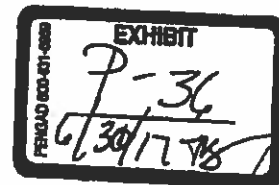
first 6 mos out three days without calling in
Bailey King contract?

10th fl location - works for Ruth can concentrate on progressing
but negs have been diminished doing financial records

Arrives in Ruth's
mtg with Dr. Wu

ask Deidre about bidding - checked box (in re active discipline)

ref



DISCRIMINATION CASE WORKSHEET

CASE Ruth BuggeDATE April 4, 2014INTERNAL ☒
EXTERNAL ☐

AGENCY _____

ACTIVITY:
PHONE CALL ☐
CONFERENCE ☒

NAME	DEPT/TITLE
Dr. Nu, Ph.D.	Laura H. Connell Professor and Chair, Dept. of Computer + Information Sciences, College of Science and Technology

Dr. Nu said -

Ruth Bugge worked in CIS for 5 yrs.

She had been assigned to CIS by George Palladino, Vice Dean at the time.

Ruth is very nice, a friendly person, always willing to help.

And she is not efficient,

could be very emotional about her own family problems and in arguments
forgetful, with other employees.
makes mountains out of molehills.

She resigned yesterday.

Her position was Administrative Assistant to Chair and Center Director - Dr. Nu.

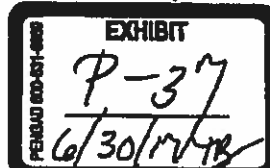
She was supposed to supervise others - that changed.

She was assigned away - 10th floor of Correll Hall - because she was disruptive,
talked all day. [College admin or staff?]Dr. Nu sought HR's advice because he was spending 25% of his time directing or
redirecting Ruth.

Dr. Nu, Greg Khachik, Director of Finance + Admin, and David Bines, Asst. Dir.

Finance + Admin, conferred about Ruth Bugge's performance.

(Cont'd)



Briggs 4/4/2014
HKL interview

meeting deadlines was a problem.
oral conversations were necessary because she forgets instructions
she was to edit Dr. Hu's papers - could she focus/concentrate?

She was good at organizing events, e.g. party

She never raised a concern about her treatment to Dr. Hu, he said,

and there was no intention on his part to dismiss her

Cumulative infractions brought her to dismissal.

Example of Mr. Briggs' inefficiency -

She was to handle a reimbursement request - routine task for Admin. Asst.

Next day she assured Dr. Hu, 'I'm doing it now.'

But then reported back that the grant account to be charged 'wasn't in the system.'

Drew Dimes was consulted.

Mr. Briggs was advised, 'The account is in the system. Please complete the transactions by the end of the day.'

She still couldn't complete the task

and she accused Drew Dimes of entering the account in the system after she reported the absence of the account.

Annual evaluations are TDP? Yes.

Dr. Hu suggested that I also ask Drew Dimes and faculty members Eugene Kestring and Justin Shi about Mr. Briggs' performance.

raj